

REMARKS

A.) The Section 103 Rejections of Claims 1-5, 7-9, 14-17 and 20

(i) Claims 1-5, 7-9, 14-17 and 20

Claims 1-5, 7-9, 14-17 and 20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Koorapaty et al., U.S. Patent No. 6,631,124 (“Koorapaty”) in view of Jalali et al., U.S. Patent No. 6,952,454 (“Jalali”). Applicants respectfully disagree and traverse these rejections for at least the following reasons.

As acknowledged and admitted by the Examiner, Koorapaty fails to disclose a method of “variably allocating a number of contiguous sub-slots allocated to at least one of the time slots, within a transmission in the channel, from a number of sub-slots allocated to a least one other time slot within a transmission” as in claims 1-5, 7-9, 14-17 and 20. To overcome this deficiency the Examiner now relies on Jalali. However, Jalali does not disclose or suggest such an allocation method either.

Referring FIG. 2 in Jalali, it can be seen that each of the transmissions labeled “ts1, ts2,...ts9” contain only a single time slot. In contrast the claims of the present invention require a time slot which is sub-divided into two or more sub-slots. These sub-divided slots are then used in the variable allocation step of the claims of the present invention.

More specifically, Jalali does not disclose or suggest “variably allocating a number of continuous sub-slots allocated to at least one of the time slots, within a transmission in the channel from a number of sub-slots allocated to at least one other time slot within the transmission because there is no “other time slot” within each of the transmissions of Jalali. Said other way, because each of Jalali’s transmissions only spans a single time slot, Jalali cannot

possibly vary the sub-slots allocated from one time slot to another as in the claims of the present invention.

It may be easier for the Examiner to understand the differences between Jalali and the claims by considering the following. None of the time slots, ts1, ts2..ts9 in Jalali are formed in an irregular shape, e.g., in an L shape. This is a tale-tale sign that the transmission segments within Jalali are not the same as the transmission segments claimed in the present invention and, therefore, cannot possibly be used in the variable allocation step of the claims of the present invention.

Applicants respectfully request reconsideration, withdrawal of the pending rejections and allowance of claims 1-5, 7-9, 14-17 and 20.

B.) The Section 103 Rejections of Claims 6

Claim 6 was rejected under 35 U.S.C. §103(a) as being unpatentable over Koorapaty in view of Jalali in the further view of Toskala et al., U.S. Patent No. 6,535,503 (“Toskala”).

Applicants respectfully disagree and traverse this rejection for at least the following reasons.

Initially, Applicants note that claim 6 depends on claim 1 and is therefore patentable over the combination of Koorapaty, Jalali and Toskala for the reasons set forth above with respect to claim 1 because Toskala does not overcome the deficiencies of Koorapaty and Jalali discussed above.

In addition, Applicants acknowledge the Examiner’s admission that the combination of Koorapaty and Jalali does not disclose “two or more sub-slots within a particular time slot” that correspond to a different frequency according to a frequency division multiple access scheme as in claim 6.

Accordingly, Applicants respectfully request reconsideration, withdrawal of the rejection and allowance of claim 6.

C.) The Section 103 Rejections of Claims 10-13

Claims 10-13 were rejected under 35 U.S.C. §103(a) as being unpatentable over Koorapaty in view of Jalali in further view of Tiedemann, Jr., U.S. Publication No. 2003-0039204 (“Tiedemann”). Applicants respectfully disagree and traverse these rejections for at least the following reasons.

Initially, Applicants note that all of these claims eventually depend on claim 1 and are, therefore, patentable over a combination Koorapaty, Jalali and Tiedemann for the reasons set forth above with respect to claim 1 and because Tiedemann does not overcome the deficiencies of Koorapaty and Jalali.

In addition, Applicants acknowledge the Examiner’s admission that the combination of Koorapaty and Jalali does not disclose a “duration of [a] separate control channel [that] is dependent upon the number of sub-slots carrying the corresponding transmission in [a] communication channel, as in claims 10-13.

Accordingly, Applicants respectfully request reconsideration, withdrawal of the rejections and allowance of claims 10-13.

D.) The Section 103 Rejections of Claims 18-19

Claims 18-19 were rejected under 35 U.S.C. §103(a) as being unpatentable over Koorapaty in view of Jalali in further view of Malkamaki et al., U.S. Patent No. 5,577,024

(“Malkamaki”). Applicants respectfully disagree and traverse these rejections for at the following reasons.

Initially, Applicants note that claims 18-19 depend on claim 1 and are, therefore, patentable over the combination Koorapaty, Jalali and Malkamaki for the reasons set forth above with respect to claim 1 and because Malkamaki does not overcome the deficiencies of Koorapaty and Jalali.

In addition, Applicants acknowledge the Examiners admission that the combination of Koorapaty and Jalali fails to disclose “a method wherein transmissions within [a] communication channel include two or more transmissions slots from the group consisting of new transmissions, acknowledgements (ACKs), negative acknowledgements (NACKs) and multi-level ACK/NACK messages as in claims 18-19.

Accordingly, Applicants respectfully request reconsideration, withdrawal of the pending rejections and allowance of claims 18-19.

E.) Entry of Request for Reconsideration After Final Rejection

Entry of this Request for Reconsideration (“Request”) is solicited because the Request: (a) places the application in condition for allowance for the reasons discussed herein; (b) does not raise any new issues regarding further search and/or considerations; (c) does not present any additional claims without canceling the corresponding number of finally rejected claims; and (d) places the application in better form for appeal, if an appeal is necessary. Entry of the Request is thus respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John E. Curtin at the telephone number of the undersigned below.

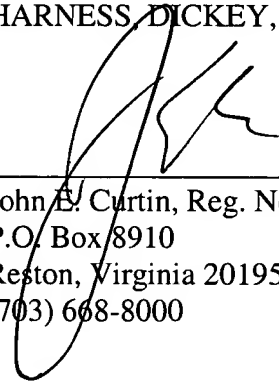
In the event this Response does not place the present application in condition for allowance, applicant requests the Examiner to contact the undersigned at (703) 668-8000 to schedule a personal interview.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By



John B. Curtin, Reg. No. 37,602
P.O. Box 8910
Reston, Virginia 20195
(703) 668-8000

JEC:ame